

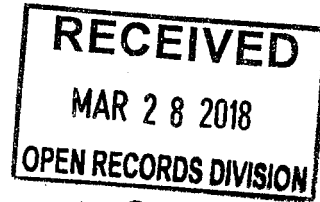


**COUNTY of GALVESTON**  
**LEGAL DEPARTMENT**  
COUNTY COURTHOUSE

722 MOODY AVENUE 5<sup>TH</sup> FLOOR GALVESTON, TEXAS 77550

ROBERT B. BOEMER  
Director

BARRY C. WILLEY  
MYRNA S. REINGOLD



OR-711486-18  
711486  
PAUL A. READY  
BEVERLY WEST

March 26, 2018

Honorable Ken Paxton  
Attorney General of Texas  
Attn: Open Records Division  
PO Box 12548  
Austin, Texas 78711-2548

**Via Certified Mail, R.R.R.,**  
**#7017 0530 0000 6319 0996**

Re: Request for decision under Public Information Act

Dear Attorney General Paxton,

Pursuant to Tex. Gov't Code § 552.301, we are requesting the Attorney General's decision about whether information held by Galveston County Sheriff's Office is excepted from disclosure under the Public Information Act.

We are within ten (10) business days after the date of receipt of the request for information.

The request for information was received by the Sheriff's Office on March 13, 2018. Accordingly, today is the ninth (9<sup>th</sup>) business day after the date of receipt of the request for information by the Sheriff's Office.

The Requestor is requesting "copies of all documents, audio recordings, and video recordings evidencing, referencing, or relating to the death of Toni Collins occurring on March 9, 2017, in Galveston County, Texas." A copy of the request for information is enclosed.

We have not released any requested information to the Requestor and wish to continue to withhold requested information. We believe the requested information is excepted from compelled disclosure pursuant to Tex. Gov't Code §§ 552.101, 552.102, 552.103, 552.107, 552.108, 552.1085, 552.115, 552.024, 552.117, 552.1175, 552.119, 552.130, 552.136, 552.137, 552.147 and/or all other applicable exceptions under the Act.

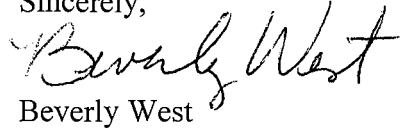
We sent notice to the Requestor that we wish to withhold requested information and that we are seeking an Attorney General decision along with a copy of this request for an Attorney General decision. A copy of our notice to the Requestor is enclosed.

We are requesting the Attorney General's assistance in resolving the question of whether the information is excepted from disclosure. In accordance with requirements of the Public Information Act, we anticipate providing further briefing on this matter.

Honorable Ken Paxton  
March 26, 2018  
Page 2

In the intervening time, if you have any questions please feel free to contact me on my direct line at (409) 770-5565. Thank you in advance for your consideration of this request for decision.

Sincerely,



Beverly West

Enclosures:

Request for Information  
Notice to Requestor

cc:

T. Dean Malone  
Law Offices of Dean Malone  
Founders Square  
900 Jackson Street, Suite 730  
Dallas, Texas 75202

**Via Certified Mail, R.R.R.,  
#7017 0530 0000 6319 1009**

Captain Ron Hill  
Galveston County Sheriff's Office  
Identification Division  
**Via Electronic Mail**  
**ron.hill@co.galveston.tx.us**

Founders Square  
900 Jackson Street, Suite 730  
Dallas, Texas 75202



Telephone: 214.670.9989  
Fax: 214.670.9904  
www.deanmalonelawfirm.com

March 6, 2018

Via CMRRR No. 92147969009997901009479729

Galveston County Sheriff Office  
601 54<sup>th</sup> Street  
Galveston, TX 77551

RE: Public Information Act Request

Dear Galveston County Sheriff Office:

Please provide copies of all documents, audio recordings, and video recordings evidencing, referencing, or relating to the death of Toni Collins occurring on March 9, 2017 in Galveston County, Texas. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to be 'T. Dean Malone', written over the word 'Sincerely,'.

T. Dean Malone

TDM/cmr  
3820

RECEIVED  
GALVESTON COUNTY  
SHERIFF'S OFFICE  
18 MAR 13 AM 10:15



**COUNTY of GALVESTON**  
**LEGAL DEPARTMENT**  
**COUNTY COURTHOUSE**

722 MOODY AVENUE 5<sup>TH</sup> FLOOR GALVESTON, TEXAS 77550

**ROBERT B. BOEMER**  
Director

**BARRY C. WILLEY**  
**MYRNA S. REINGOLD**

**PAUL A. READY**  
**BEVERLY WEST**

March 26, 2018

T. Dean Malone  
Law Offices of Dean Malone  
Founders Square  
900 Jackson Street, Suite 730  
Dallas, Texas 75202

**Via Certified Mail, R.R.R.,**  
**#7017 0530 0000 6319 1009**

Re: Public Information Act Request to Galveston County Sheriff's Office

Dear Mr. Malone:

Your request for information submitted to Galveston County Sheriff's Office was forwarded to my attention. You requested "copies of all documents, audio recordings, and video recordings evidencing, referencing, or relating to the death of Toni Collins occurring on March 9, 2017, in Galveston County, Texas." At this time, we wish to withhold the requested information because we believe the information is excepted from disclosure under the Texas Public Information Act.

In this regard, the Public Information Act requires a governmental body to provide notice to a requestor when the governmental body wishes to withhold requested information. This letter provides you, the Requestor in this matter, with such notice. Accordingly, you are advised that we wish to withhold the requested information and that we have asked for a decision from the Texas Attorney General about whether the requested information is within an exception to disclosure. A copy of our request for decision to the Texas Attorney General is enclosed.

If you have any questions, please feel free to call me on my direct number, (409) 770-5565.

Sincerely,

  
Beverly West

Enclosures:

Request for Information  
Request for Decision

Notice to Requestor  
March 26, 2018  
Page 2

Cc with enclosures:

Honorable Ken Paxton  
Attorney General of Texas  
Attn: Open Records Division  
PO Box 12548  
Austin, Texas 78711-2548

**VIA CERTIFIED MAIL, R.R.R.,  
# 7017 0530 0000 6319 0996**

Captain Ron Hill  
Galveston County Sheriff's Office  
Identification Division  
**Via Electronic Mail**  
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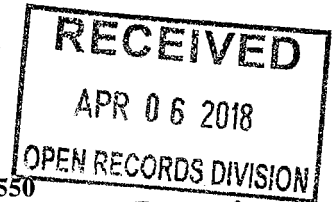


**COUNTY of GALVESTON**  
**LEGAL DEPARTMENT**  
COUNTY COURTHOUSE

722 MOODY AVENUE 5<sup>TH</sup> FLOOR GALVESTON, TEXAS 77550

ROBERT B. BOEMER  
Director

BARRY C. WILLEY  
MYRNA S. REINGOLD



PAUL A. READY  
BEVERLY WEST

April 3, 2018

Honorable Ken Paxton  
Attorney General of Texas  
Attn: Open Records Division  
PO Box 12548  
Austin, Texas 78711-2548

**Via Certified Mail, R.R.R.,**  
**# 7017 0530 0000 6319 1016**

Re: Request for decision under Public Information Act

Dear Attorney General Paxton,

Pursuant to Tex. Gov't Code § 552.301(e), we are requesting the Attorney General's decision about whether information held by Galveston County Sheriff's Office is excepted from disclosure under the Public Information Act.

The following is our supplemental briefing pursuant to Section 552.301(e) of the Act. We sent a Request for Opinion to your office on March 26, 2018, within ten (10) business days after the date of receipt of the request for information that included the request for information and exceptions to disclosure.<sup>1</sup> A copy of that letter is attached for your convenience.

The Requestor is requesting: "copies of all documents, audio recordings, and video recordings evidencing, referencing, or relating to the death of Toni Collins occurring on March 9, 2017, in Galveston County, Texas." A copy of the request for information is enclosed.

We are releasing the "basic information" contained in the report in accordance with Section 552.108(c) of the Government Code to the Requestor, but wish to continue to withhold the remaining requested information. We are also making the autopsy report available to this Requestor as it was previously released to this requestor under a prior request. We believe the remaining withheld requested information is excepted from compelled disclosure pursuant to Tex. Gov't Code §§ 552.101, 552.108, 552.114, 552.117, 552.130, 552.136, and 552.147.

We sent notice to the Requestor on March 26, 2018, that we wish to withhold requested information and that we are seeking an Attorney General decision along with a copy of this request for an Attorney General decision. We will also send a copy of this correspondence to the Requestor.

<sup>1</sup> Please note for purposes of calculating the 15-day deadline for this 552.301(e) briefing, the County, including the Sheriff's Office was closed in observance of the Good Friday holiday, on Friday, March 30, 2018.

We believe the requested information is excepted from disclosure under Section 552.108(a)(2) of the Government Code because the information the Requestor seeks is a criminal investigation that did not result in conviction or deferred adjudication and therefore, we have not released the requested information to the Requestor.

Additionally and alternatively, some of the withheld information is confidential by law pursuant to 552.101 of the Government Code, which excepts information from mandatory release if it is considered “confidential by law, either constitutional, statutory or by judicial decision.”<sup>2</sup> The requested information includes autopsy photographs that we believe must be withheld pursuant to section 11 of article 49.25 of the Code of Criminal Procedure; birth dates of members of the public excepted by 552.101 and common law privacy; motor vehicle information, which is excepted by Section 552.130 of the Act;<sup>3</sup> and social security numbers excepted by Section 552.147 of the Act.

**A. Law Enforcement Exception, § 552.108(a)(2)**

The requested information deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. Accordingly, we believe the requested information is excepted from disclosure in its entirety pursuant to Section 552.108(a)(2) of the Government Code.<sup>4</sup> Section 552.108(a)(2) provides that:

Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 [compelled disclosure] if it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.<sup>5</sup>

In this instance, all of the requested information deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. Specifically, the Sheriff’s Office has advised that the requested information pertains to a closed criminal case that did not result in conviction or deferred adjudication. Thus, all elements of Section 552.108(a)(2) are satisfied.

**B. Confidential by Law, § 552.101**

In addition and alternatively, the requested information is confidential by law under Section 552.101 of the Government Code. Section 552.101 of the Government Code is the Act’s provision that serves to incorporate sources of law outside of the Act that make information confidential under the

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<sup>2</sup> Tex. Gov’t Code § 552.101 (West 2012).

<sup>3</sup> Tex. Gov’t Code § 552.130(a) (West Supp. 2015).

<sup>4</sup> Tex. Gov’t Code Ann. § 552.108 (West 2012).

<sup>5</sup> Tex. Gov’t Code Ann. § 552.108(a)(2).

umbrella of the Act.<sup>6</sup> In this instance, the requested information is confidential by law under Section 552.101 in conjunction with common law privacy and judicial decisions as explained fully below.

### ***Fingerprint Information***

Requested information may include fingerprint information. By definition, fingerprints are a biometric identifier.<sup>7</sup> Access to biometric identifiers must comply with Texas Government Code, Chapter 560.

Chapter 560 allows disclosure of biometric identifiers only in specified circumstances.<sup>8</sup> As well, Chapter 560 expressly exempts biometric identifiers from compelled disclosure under the Act.<sup>9</sup>

The instant request for information is not accompanied by consent for release from anyone, does not involve any special right of access, and does not fall within any of the permissible disclosures enumerated within Chapter 560.

Accordingly, to the extent requested information includes fingerprint information, we believe the information is confidential by law under Section 552.101 of the Government Code in conjunction with Chapter 560 of the Government Code.

### ***Criminal History Record Information/TCIC/NCIC Accessed through TLETS***

To the extent any enclosed information constitutes criminal history record information, we believe the information is confidential under federal law and under Chapter 411, Subchapter F, of the Texas Government Code.<sup>10</sup> Indeed, the unauthorized disclosure of criminal history record information is expressly prohibited by statute.<sup>11</sup> Accordingly, we believe any criminal history record information must be withheld pursuant to Section 552.101 of the Government Code in conjunction with applicable provisions within Chapter 411 of the Government Code.

---

<sup>6</sup> Tex. Gov't Code Ann. § 552.101 (Vernon 2012). The Act "excepts from disclosure information which the constitution, a statute, or a judicial decision has declared confidential as a matter of law." *A & T Consultants, Inc. v. Sharp*, 904 S.W.2d 668, 674 (Tex. 1995).

<sup>7</sup> See Tex. Gov't Code § 560.001(1) ("[b]iometric identifier means a retina or iris scan, fingerprint, voiceprint, or record of hand or face geometry.").

<sup>8</sup> See *id.* § 560.002(1) (allowing disclosure with the consent of the individual, if the disclosure is required or permitted by a federal statute or a state statute other than the Public Information Act, or if the disclosure is made by or to a law enforcement agency for law enforcement purposes).

<sup>9</sup> See *id.* § 560.003 (stating, "[a] biometric identifier in the possession of a governmental body is exempt from disclosure under Chapter 552.").

<sup>10</sup> Specifically, we believe any TCIC/NCIC access is excepted from disclosure as information that is confidential by law in conjunction with Chapter 411 of the Texas Government Code and/or federal law. See Tex. Gov't Code §§ 411.083(a), 411.089; see 28 C.F.R. § 20.21(b),(c)(1),(2).

<sup>11</sup> See Tex. Gov't Code § 411.085.



Moreover, protected criminal history record information includes Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC) information obtained through the Texas Law Enforcement Telecommunication System (TLETS); thus, we believe we are required to withhold such information.

TLETS is a communication system utilized by law enforcement agencies to access TCIC and NCIC information. Access to TLETS is rigorously controlled and subject to State and Federal regulation. These provisions restrict a law enforcement agency's use of the system and require confidentiality for the information.<sup>12</sup>

As well, the Attorney General formally addressed the release of TCIC/NCIC obtained through the TLETS in Open Records Decision No. 565 (1990), opining that such information is confidential and is not allowed for individual access.<sup>13</sup> Thus, under ORD-565, the TLETS information is confidential by law and must be withheld.

### *Autopsy Photos*

In addition/alternative to the 552.108(a)(2) exception, we believe the photographs of a body taken during an autopsy are confidential under Section 552.101 of the Government Code in conjunction with Article 49.25 of the Code of Criminal Procedure.<sup>14</sup> In this regard, the release of photographs of a body taken during an autopsy is expressly addressed within Article 49.25 of the Code of Criminal Procedure - Section 11 of Article 49.25 of the Code of Criminal Procedure provides in relevant part, that "a photograph...of a body taken during an autopsy is excepted from required public disclosure in accordance with Chapter 552, Government Code, but is subject to disclosure:... (2) if the photograph...is of the body of a person who died while in the custody of law enforcement."<sup>15</sup>

In this instance, the death is from an officer involved shooting. However, the term "in the custody of law enforcement" is not defined within Article 49.25. Article 49.18 defines the term "in the custody of a peace officer" to mean "under arrest by a peace officer; or under the physical control or restraint of a peace officer."<sup>16</sup> However, this term is for purposes of determining whether a custodial death report is required (which is also required if force is used), rather than determining whether photographs of a body taken during an autopsy are confidential by law.

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<sup>12</sup> Withholding TCIC/NCIC obtained through TLETS is *mandatory*.

<sup>13</sup> See Tex. Att'y Gen. ORD-565 (1990), at pages 10-12.

<sup>14</sup> The Medical Examiner's photographs include scene photographs, which are clearly excepted under Section 552.108(a)(1) of the Government Code; photographs taken during an autopsy but not of the body, which are similarly excepted under Section 552.108(a)(1); and photographs of a body taken during an autopsy, which we believe are excepted from compelled disclosure under Section 552.108(a)(1) and/or 552.101 of the Government Code.

<sup>15</sup> Tex. Code Crim. Proc. Ann. art. 49.25 § 11.

<sup>16</sup> *Id.* § 49.18(d)(2).

Finally, in Informal Letter Ruling Numbers OR2013-14544 (issued to Texas Department of Public Safety) and OR2017-09889 (issued to the City of Fort Worth), the Attorney General ruled that the exceptions to confidentiality stated within Article 49.25 did not apply to compel the release of photographs of a body taken during an autopsy on the deaths, which each resulted from an officer-involved shooting. Accordingly, we believe the autopsy photographs in the withheld requested information must be withheld.

### ***Psychological/Physical Declarations (L2/L3)***

Requested information includes declarations of psychological and physical examinations (L-2 and L-3 Declarations) on the officer, which the Sheriff's Office received from the Galveston Police Department during its investigation and that a law enforcement agency is required to maintain under Subchapter G, Chapter 1701, of the Occupations Code. In this regard, Occupations Code, Section 1701.306(b) provides, in part, that "[a] declaration is not public information."<sup>17</sup>

We believe the L-2 and L-3 declarations, and the information that accompanies each, must be withheld. Indeed, the L-2 and L-3 are confidential under Chapter 1701 of the Occupations Code. Alternatively, if the Attorney General determines that the information that must accompany an L-2/L-3 is not protected under Section 1701.306 of the Occupations Code, then the instant requests for information do not satisfy any permissible disclosure enumerated by the Medical Practice Act, which is at Chapter 159 of the Occupations Code, or by Chapter 611 of the Health and Safety Code. Accordingly, we believe we must withhold any L-2 forms, L-3 forms, and the information accompanying each form.<sup>18</sup>

### ***Dates of Birth – Privacy Rights***

In *Paxton v. City of Dallas*, the Court held that dates of birth of members of the public are confidential by law under Section 552.101 of the Government Code.<sup>19</sup> We have marked these birthdates in the requested information and believe it is confidential by law under Section 552.101 of the Government Code in conjunction with common law privacy rights, as set forth in *Paxton*.<sup>20</sup> Thus, we believe we may continue to withhold the dates of birth.

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<sup>17</sup> Tex. Occup. Code Ann. § 1701.306(b) (West 2012).

<sup>18</sup> See Tex. Att'y Gen. ORD-684 (2009) (opining that L-2 and L-3s are confidential by law under Section 552.101 of the Government Code in conjunction with Section 1701.306 of the Occupations Code and issuing a previous determination authorizing a governmental body to withhold such information without the necessity of seeking a decision from the Attorney General).

<sup>19</sup> *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL3394061 at \*3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.).

<sup>20</sup> *Id.* (concluding that “based on the supreme court’s rationale in *Texas Comptroller*, public citizens have a privacy interest in their birth dates such that the ‘publication [of birth dates] would be highly objectionable to a reasonable person.’”) (citations omitted).

**C. Home address, phone number, social security number, family information of a peace officer, § 552.117**

The home address, home telephone number, personal cell phone number, social security number, and information revealing family members of a peace officer are excepted from compelled disclosure under Section(s) 552.117 of the Government Code.

As stated above, the criminal investigation requested by the Requestor includes information on a named peace officer that was provided to the Sheriff's Office through an intergovernmental exchange of information from the Galveston Police Department. Under Section 552.117 of the Government Code, a governmental body may withhold the home address, home telephone number, emergency contact information, social security number of a peace officer and information revealing whether the peace officer has family members regardless of whether the peace officer has an Open Records Election on file with the agency/employer.<sup>21</sup> We wish to withhold the information and believe it is excepted from disclosure under Section 551.117 of the Government Code.<sup>22</sup>

**D. Motor Vehicle Record Information, § 552.130**

We believe we are required to withhold motor vehicle record information under Section 552.130 of the Government Code, the Act's exception for motor vehicle records information. The Act's exception for motor vehicle records excepts information from required disclosure if the information relates to a motor vehicle operator's or driver's license or permit issued by an agency of the State of Texas, or to a motor vehicle title or registration issued by an agency of the State of Texas.<sup>23</sup> Accordingly, we believe we are prohibited from releasing this motor vehicle record information that is displayed within the requested information. This information is highlighted and marked in the responsive information.

**E. Educational Transcripts, FERPA, § 552.114**

The requested information contains peace officers educational transcripts . We believe these transcripts are protected by the Family Educational Rights and Privacy Act of 1974 ("FERPA")<sup>24</sup>, and/or 552.114 as a student record obtained from the educational institutions that created these documents and as such we are prohibited from disclosing them. This is information provided in an intergovernmental exchange from the Galveston County Police Department to the Sheriff's Office as part of the criminal investigation that is the subject of this request.

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<sup>21</sup> See Tex. Gov't Code § 552.117(a)(2); see Tex. Att'y Gen. ORD-670 (2001) (issuing a previous determination for governmental bodies to withhold, inter alia, a peace officer's home address, home phone, and personal cell phone number under Section 552.117 without the necessity of seeking a decision from the Attorney General).

<sup>22</sup> See Tex. Gov't Code §§ 552.117, 552.1175; see ORD-670 (2001).

<sup>23</sup> Tex. Gov't Code § 552.130(a) (West Supp. 2015).

<sup>24</sup> 20 U.S.C. § 1232g.

## F. Access Device Information, § 552.136 and TCOLE/PID Numbers

To the extent any requested information reveals access device information, we believe we are required to withhold that information pursuant to Section 552.136 of the Government Code. In this regard, Section 552.136 defines an “access device” for purposes of this statutory exception, stating, in part, that:

“[a]ccess device means a card, plate, code, *account number, personal identification number*, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier *or means of account access* that alone or in conjunction with another access device may be used to obtain money, goods, services, or another thing of value....”<sup>25</sup>

Thus, to the extent any requested information discloses any of the above information, we believe we are required to withhold the information.

Some requested information reveals the peace officer’s Texas Commission on Law Enforcement (TCOLE) identification number. This was formerly called the TCLEOSE number and is also sometimes referred to as the PID number. For convenience, since the current term is TCOLE number, we refer to TCOLE number to include any prior designation as well.

The TCOLE number does not constitute “public information” under the Act. Therefore, the Act does not govern access to the TCOLE number. Each peace officer’s TCOLE number is a unique computer-generated number assigned to the peace officer for identification within the TCOLE database and is used to gain access within the TCOLE database. Accordingly, we believe the TCOLE number does not constitute “public information” for purposes of the Act. As such, the Act is inapplicable and does not govern the release of the TCOLE/TCLEOSE/PID number.<sup>26</sup>

As well, because the TCOLE number provides access into the TCOLE system for each officer’s own records, then in the event the Attorney General rules that the TCOLE/PID number is subject to the Act, then we believe the TCOLE number constitutes access device information such that it must be withheld under Section 552.136 of the Government Code. To this end, Section 552.136 clearly covers “passwords” as it covers personal identification numbers (which are passwords), as well as *another identifier or means of account access*.<sup>27</sup> Thus, in the event the Attorney General opines that a TCOLE number is subject to the Act, then in addition/alternative, we believe it is excepted from compelled disclosure under Section 552.136 of the Government Code.

---

<sup>25</sup> *Id.* § 552.136(a)(b) (emphasis added).

<sup>26</sup> See Tex. Gov’t Code § 552.002 (defining “public information” for purposes of the Act); see generally Tex. Att’y Gen. ORD-581 (1990) (opining that the Act does not govern access to certain kinds of computer information).

<sup>27</sup> See Tex. Gov’t Code § 552.136(a) (emphasis added).

**G. Social Security Numbers, § 552.147**

In the event any information discloses a social security number of a living person, we believe we are required to withhold that number pursuant to Section 552.147 of the Government Code.

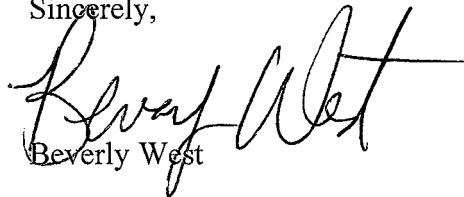
**Conclusion**

In conclusion, we are requesting your review of this matter because we wish to continue to withhold some of the requested information. We have timely complied with all requirements of the Act – thus, all exceptions to disclosure remain applicable in this matter. We have labeled and marked the exceptions to disclosure in the enclosed requested information for your review.

We believe all the requested information is excepted from disclosure by common-law privacy as a compilation of criminal history information, 552.101, and additionally the Law Enforcement Exceptions, 552.108(a)(1) and (a)(2) of the Government Code. All other exceptions herein are additional/alternative exceptions for withholding certain requested information.

If you have any questions or need anything further in your review of this request for decision, please contact me at my direct extension, (409) 770-5565. Thank you for your consideration of this request for decision.

Sincerely,



Beverly West

Enclosures:

Copy of March 26, 2018 Request for Decision  
Copy of Request for Information  
Copy of Requested Information with noted exceptions

cc:

T. Dean Malone  
Law Offices of Dean Malone  
Founders Square  
900 Jackson Street, Suite 730  
Dallas, Texas 75202

**Via Certified Mail, R.R.R.,  
#7017 0530 0000 6319 1023**

Captain Ron Hill  
Galveston County Sheriff's Office  
Identification Division  
**Via Electronic Mail**  
**ron.hill@co.galveston.tx.us**



**COUNTY of GALVESTON**  
**LEGAL DEPARTMENT**  
COUNTY COURTHOUSE

722 MOODY AVENUE 5<sup>TH</sup> FLOOR GALVESTON, TEXAS 77550

**ROBERT B. BOEMER**  
Director

**BARRY C. WILLEY**  
**MYRNA S. REINGOLD**

**PAUL A. READY**  
**BEVERLY WEST**

March 26, 2018

Honorable Ken Paxton  
Attorney General of Texas  
Attn: Open Records Division  
PO Box 12548  
Austin, Texas 78711-2548

**Via Certified Mail, R.R.R.,**  
**#7017 0530 0000 6319 0996**

Re: Request for decision under Public Information Act

Dear Attorney General Paxton,

Pursuant to Tex. Gov't Code § 552.301, we are requesting the Attorney General's decision about whether information held by Galveston County Sheriff's Office is excepted from disclosure under the Public Information Act.

We are within ten (10) business days after the date of receipt of the request for information.

The request for information was received by the Sheriff's Office on March 13, 2018. Accordingly, today is the ninth (9<sup>th</sup>) business day after the date of receipt of the request for information by the Sheriff's Office.

The Requestor is requesting "copies of all documents, audio recordings, and video recordings evidencing, referencing, or relating to the death of Toni Collins occurring on March 9, 2017, in Galveston County, Texas." A copy of the request for information is enclosed.

We have not released any requested information to the Requestor and wish to continue to withhold requested information. We believe the requested information is excepted from compelled disclosure pursuant to Tex. Gov't Code §§ 552.101, 552.102, 552.103, 552.107, 552.108, 552.1085, 552.115, 552.024, 552.117, 552.1175, 552.119, 552.130, 552.136, 552.137, 552.147 and/or all other applicable exceptions under the Act.


We sent notice to the Requestor that we wish to withhold requested information and that we are seeking an Attorney General decision along with a copy of this request for an Attorney General decision. A copy of our notice to the Requestor is enclosed.

We are requesting the Attorney General's assistance in resolving the question of whether the information is excepted from disclosure. In accordance with requirements of the Public Information Act, we anticipate providing further briefing on this matter.

Honorable Ken Paxton  
March 26, 2018  
Page 2

In the intervening time, if you have any questions please feel free to contact me on my direct line at (409) 770-5565. Thank you in advance for your consideration of this request for decision.

Sincerely,

  
Beverly West

Enclosures:

Request for Information  
Notice to Requestor

cc:

T. Dean Malone  
Law Offices of Dean Malone  
Founders Square  
900 Jackson Street, Suite 730  
Dallas, Texas 75202

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#7017 0530 0000 6319 1009**

Captain Ron Hill  
Galveston County Sheriff's Office  
Identification Division

**Via Electronic Mail**  
**[ron.hill@co.galveston.tx.us](mailto:ron.hill@co.galveston.tx.us)**

Founders Square  
900 Jackson Street, Suite 730  
Dallas, Texas 75202



Telephone: 214.670.9989  
Fax: 214.670.9904  
www.deanmalonelawfirm.com

March 6, 2018

Via CMRRR No. 92147969009997901009479729

Galveston County Sheriff Office  
601 54<sup>th</sup> Street  
Galveston, TX 77551

RE: Public Information Act Request

Dear Galveston County Sheriff Office:

Please provide copies of all documents, audio recordings, and video recordings evidencing, referencing, or relating to the death of Toni Collins occurring on March 9, 2017 in Galveston County, Texas. Thank you for your assistance.

Sincerely,

T. Dean Malone

TDM/cmr  
3820

RECEIVED  
GALVESTON COUNTY  
SHERIFF'S OFFICE  
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